

PTO/SB/21 (01-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE of information unless it displays a valid OMB control number. Under the Paperwork Reduction Act of 1995, no person are required to respond Application Number 10/705.341 TRANSMITTAL Filing Date 11/10/2003 **FORM** First Named Inventor **FESTA** Art Unit (to be used for all coπespondence after initial filing) 1761 **Examiner Name** Attorney Docket Number 7202-46 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication Fee Transmittal Form Drawing(s) to Group Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to Group Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer Extension of Time Request Identify below): Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Certified Copy of Priority Document(s) Please acknowledge receipt of the paper(s) noted herein by returning the attached postcard Response to Missing Parts/ Incomplete Application No fees are believed necessary, but please charge any deficiencies to Deposit Account No. 50-0951. Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm AKERMAN SENTERFITT Mark D. Passler, Registration No. 40,764 Individual Signature 12-2 Date 0 -04 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: -10-04 Typed or printed Mark D. Passler 5-10-04 Signature Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of FESTA et al.

Application No. 10/705,341

Examiner:

Filed: November 10, 2003

Group Art Unit: 1761

For:

A FOOD PREPARATION WITH A CREAMY CONSISTENCY FOR USE AS A

**BASE FOR SAUCES** 

## INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR §1.97(b)

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on 5 - 10 - 04.

4.1 D. D. --I.

Reg. No. 40,764

Mark D. Passler

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. In accordance with the Rules in effect for applications filed after June 30, 2003, copies of U.S. patents and/or patent application publications are not enclosed. A copy of each foreign language reference is enclosed, as well as an English language abstract where available. The references were cited in a Search Report prepared by the European Patent Office on a related European patent application. A copy of the search report is also enclosed, which satisfies the requirement for a concise explanation of relevance of foreign-language documents.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

[WP178133;1]

Applicants respectfully request that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of form PTO/SB/08A be returned in accordance with MPEP §609.

## Statement under 37 CFR §1.97(e)

It is hereby certified that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This Statement is being filed after the issuance of an Office Action in the present application, and this paper is thus submitted in accordance with 37 CFR 1.97(c). In view of the above statement, no fee is believed due, however, please charge any deficiencies or credit any overpayments to Deposit Account No. 50-0951.

Respectfully submitted,

Dated: 5-10-04

Mark D. Passler

Registration No. 40,764

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Docket No. 7202-46



PTO/SB/08A (08-03)
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Substitute for form 1449/PTO		Complete if Known		
		Application Number	10/705,341	
INFORM	ATION DISCLOSURE	Filing Date	11/10/2003	
	<del>-</del>	First Named Inventor	FESTA	
STATEM	ENT BY APPLICANT	Art Unit	1761	
(Use as many sheets as necessary)		Examiner Name		
eet 1	of 1	Attorney Docket Number	7202-46	

			U. S. PATEN	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (f known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		<sup>US-</sup> 4,291,066-A1	09/22/1981	ANEMA ET AL.	
		<sup>US-</sup> 2001/0026829-A1	10/04/2001	AMMEDICK-NAUMANN	
	1	<sup>US-</sup> 4,237,146-A1	12/02/1980	KAHN ET AL.	
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FOREIGN PATENT DOCUMENTS						
	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			T <sup>6</sup>
		EP-0 970 619-A1	01/12/2000	UNILEVER		
		EP-1 008 308-A1	06/14/2000	BESTFOODS		
		EP-1 060 671-A1	12/20/2000	OETKER		L
						L

Examiner		Date	
Signature		Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optionat). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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